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Thus, the claimed invention can transmit the image specifying data and the orderer specifying data to an *affiliated* second client computer out of a plurality of second client computers.

In other words, when there are a plurality of second client computers, the correspondence data can be transmitted accurately from the center server to an *affiliated* one of the plurality of second client computers, wherein an *affiliated* second client computer out of a plurality of second client computers is determined by the corresponding data transmitted from the first client computer (e.g., see specification at page 6, lines 2-13; and page 20, lines 1-16).

For example, an illustrative, non-limiting aspect of an image ordering system as defined by independent claim 1, includes a center server, a first client computer for an orderer, and a plurality of second client computers for a laboratory that are capable of communicating data with one another. The first client computer includes an input unit for inputting data that specifies an image to be printed and a first transmitting unit for transmitting, to the center server, the image specifying data that is input from the input unit and data specifying the orderer.

The center server includes a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer, a first receiving unit for receiving the image specifying data and the orderer specifying data transmitted from the first transmitting unit of the first client computer, a determination unit for

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determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by the first receiving unit, and a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by the first receiving unit, to one of the plurality of second client computers that has been determined by the determination unit to be affiliated with the orderer specified by the orderer data received by said receiving unit. Also, at least one of the plurality of second client computers includes a second receiving unit for receiving the image specifying data and the orderer specifying data transmitted from the second transmitting unit of the center server and a first alerting unit for giving notice of information regarding an image specified by the image specifying data and of an orderer represented by the orderer specifying data, which items of data have been received by the second receiving unit.

Independent claims 14, 16, 17, 19, and 22 recite somewhat similar features as independent claim 1.

II. THE PRIOR ART REJECTIONS

Claims 1-7, 11-14, 16, 17, and 19-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman. Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman and further in view of Greulich.

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For the Examiner's convenience, the traversal arguments set forth in the previous Amendments filed on April 23, 2004, September 17, 2004, and March 30, 2005, are incorporated herein by reference in their entirety.

Applicant submits that there are elements of the claimed invention which would not have been disclosed or suggested by any combination of Freedman and Hartman, and therefore, respectfully traverses this rejection.

A. In the "Response to Arguments" section of the Office Action, the Examiner takes the position that "*Freedman discloses "a system for ordering print related goods and services, wherein said order comprises a user choice of print facility for fulfilling said order ('829, column 10, lines 19-32). To one of ordinary skill, Hartman et al. provide a teaching for more efficiently entering order data by storing order data to be used for future orders in memory ('411, column 10, lines 15-35), such as a print facility ('829, figure 1A). A feature at least suggested by Freedman ('829, column 8, lines 20-25). Further, this creates an "affiliation" between the orderer and the print facility, the affiliation being print facilities that the orderer has ordered from (note this also applies to claim 33)."*

Thus, the Examiner considers that the alleged combination of Freedman and Hartman teaches or suggests "*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated*

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with the orderer specified by the orderer data received by said first receiving unit", as claimed (e.g., see Office Action at page 2, last paragraph; emphasis added).

Applicant respectfully disagrees for the following reasons.

First, Applicant submits that merely "*storing order data to be used for future orders in memory*" for a user choice of print facility for fulfilling a particular order does not disclose or suggest "*a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit*" as claimed in independent claim 1.

Indeed, the Examiner has not shown, and further, the cited references do not disclose or suggest, a determination unit that determines which one of a plurality of client computers is affiliated with the orderer, according to the claimed invention.

For example, the identity data and/or a replica of the receipt (e.g., specifying data, prices), which the Examiner cites in Freedman, clearly are not comparable to an affiliation between the first client computer and one of the second client computers of a plurality of second client computers, as claimed.

Freedman merely discloses that a requestor is "*provided with information regarding the various job costs, timing, etc. and is given the opportunity to select a particular printing facility, a particular machine, or mix of machines for production of a job*" (e.g., see Freedman at column 10, lines 19-24).

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Alternatively, in Freedman, *"the requestor may permit the system to select a particular printing facility or printing equipment for production of the job"* (e.g., see Freedman at column 10, lines 24-26).

However, Freedman does not disclose, suggest, or even mention any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

Similarly, Hartman also does not disclose or suggest any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

Instead, claim 1 of Hartman, which the Examiner mentions in the "Response to Arguments", merely sends a request to order an item along with an identifier of a single purchaser of the item to a server system, and then retrieves additional information for the individual purchaser from storage, and generates an order to purchase the item.

Hartman does not, however, determine any kind of affiliation between a first client computer and one of a plurality of second client computers, as claimed.

As another example, Hartman discloses that:

The server system receives purchaser information including identification of the purchaser, payment information, and shipment information from the client system. The server system then assigns a client identifier to the client system and associates the assigned client identifier with the received purchaser information. The server system sends to the client system the assigned client identifier and an HTML

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document identifying the item and including an order button
(e.g. see Hartman at Abstract).

In other words, in Hartman, the client system is determined by the data transmitted from the same client system.

Thus, in Hartman, there also is no affiliation between a first client system and one of a plurality of second client systems.

Moreover, in the "Response to Arguments", the Examiner alleges that storing order data to be used for future orders in memory, as allegedly taught by Hartman, is at least suggested by Freedman, for a print facility (e.g., see Office Action at page 2, lines 15-16, citing Freedman at column 8, lines 20-25).

However, Applicant submits that column 8, lines 20-25 of Freedman (which is mentioned by the Examiner in the "Response to Arguments") merely discloses a computer asking the requestor to select a printing parameter design template which may be been previously established for a particular type of printing job.

Applicant submits that this has nothing to do with determining, on the basis of correspondence data, **which of a plurality of second client computers** is affiliated with the orderer specified by the orderer data received by a first receiving unit, as recited in independent claim 1.

Indeed, this portion of Freedman discloses a printing parameter for a printing job, not a printing facility, as alleged by the Examiner. Thus, Applicant respectfully

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submits that the Office Action mischaracterizes the teachings of Freedman and Hartman.

Thus, for the reasons set forth above, the relied upon teachings of Freedman and Hartman clearly do not create an “affiliation” between the orderer and a print facility which the orderer has ordered from.

In comparison, in the claimed invention, the correspondence data can be transmitted from the center server to an affiliated second client computer accurately (as opposed to a *non-affiliated* second client computer), even when there are a plurality of second client computers.

Thus, Applicant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest “a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit” as recited in independent claim 1 (and somewhat similarly, as recited in independent claims 14, 16, and 19).

Method claims 17 and 22

Turning to “method” independent claims 17 and 22, Applicant submits that Freedman and Hartman, either individually or in combination, also do not disclose or suggest at least “determining, on the basis of the correspondence data, which of the plurality of second client computers for the laboratory is affiliated with the orderer specified by the orderer data received by said first receiving unit” as recited in

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independent claim 17, or for that matter, “determining, on the basis of the correspondence data, which one of the plurality of second client computers is affiliated with the orderer specified by said data received by said first receiving unit”, as recited in independent claim 22 (emphasis added).

For at least the foregoing reasons, Applicant respectfully reiterates that Freedman and Hartman, either individually or in combination, clearly do not disclose or suggest all of the features of the claimed invention.

Applicant submits that claims 2-7, 11-14, 16, 17, and 19-24 also are patentable over Freedman and Hartman, either alone or in combination, for somewhat similar reasons as those set forth above, as well as for the additional features recited therein.

Claims 25-33:

With respect to claims 25-33 (which were added by the Amendment under 37 C.F.R. § 1.111 filed on March 30, 2005), in the “Response to Arguments” section of the Office Action, the Examiner states that:

Claims 25-32 are directed to data stored at an apparatus. However, it has been held that in order for a claimed structure to differentiate from the prior art, the differences have to be found in the respective structures and not functionality (In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Therefore, as both Freedman and Hartman et al. store data in databases the prior art teach Applicant's apparatus. Regarding databases, the Examiner takes Official Notice that relational databases

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and data models (e.g., a table that links data by a unique identifier such as an account number, social security number or ID) are old and well known.

(e.g., see Office Action at page 3, first paragraph; emphasis added).

First, Applicant respectfully notes that the Examiner's reliance on In re Schreiber appears to be inappropriate.

That is, the holding in In re Schreiber does not represent a general rule which is applicable to all cases.

For example, In re Schreiber dealt with an anticipation rejection (not an obviousness rejection) in which all of the claimed structural features of a "device for dispensing popped popcorn" were deemed to have been disclosed by a single prior art reference, which disclosed "a spout for nozzle-ready containers", despite any teaching in the prior art reference for being used to dispense popcorn.

In this case, however, the Examiner has not rejected the claims under 35 U.S.C. § 102 based on a single prior art reference which allegedly discloses all of the features of the claimed invention. Instead, the Examiner rejects the claims under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman.

Moreover, claims 25-33 are directed to a "system", which includes specifically defined "units" (i.e., modules) that perform clearly defined functions, as recited in the claims, and which would require specific structure in order to achieve such functions, not simply to an "apparatus".

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Second, Applicant notes that there is nothing inherently wrong with defining the features of the claimed invention using functional language (e.g., see In re Schreiber).

The functional recitations recited in the claims of the present application clearly and particularly define the underlying structure of the claimed “units” of the system which would be needed to perform such functions, and which would be understandable to the ordinarily skilled artisan. Thus, the functional features of the claims clearly define the structure of the “units” recited in the claims.

Third, the Examiner appears to be applying the holding of In re Schreiber to a particular “subset” of feature of the claims, rather than considering the claimed invention as a whole.

In fact, the Examiner seems to improperly be distilling claims 25-33 down to a gist of the invention (e.g., see M.P.E.P. § 2141.02), and does not appear to have considered the individual features recited in claims 25-33. The Examiner merely generally interprets the features of claims 25-33 as being directed to a “database”, and does not appear to have considered the *actual* language of claims 25-33.

Indeed, the Examiner states that “*as both Freedman and Hartman et al. store data in databases the prior art teach Applicant’s apparatus*” (see Office Action at page 3, lines 5; emphasis added).

Moreover, the Examiner states that “[r]egarding databases, the Examiner takes Official Notice that relational databases and data models (e.g., a table that links data

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by a unique identifier such as an account number, social security number or ID) are old and well known" (see Office Action at page 3, lines 5-10; emphasis added).

However, Applicant respectfully submits that obviousness of the claims is not established by showing that the individual features of the claims are old and well known. Instead, the Examiner has the burden of establishing that the claimed invention as a whole would have been obvious to the ordinarily skilled artisan in view of Freedman and Hartman (e.g., see M.P.E.P. § 2141.02), not merely whether the individual features of the invention, considered separately, would have been obvious.

For the foregoing reasons, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to at least claims 25-33, since the actual language of these claims does not appear to have been considered and the rejection does not establish how such features are disclosed or suggested by Freedman and Hartman, either individually or in combination.

Thus, if the Examiner wishes to maintain the rejection of claims 25-33, Applicant requests that (1) the Examiner properly establish a suggestion or motivation for to combine Freedman and Hartman to arrive at the claimed invention defined by claims 25-33, (2) a reasonable expectation of success would have existed, and (3) the resulting combination of Freedman and Hartman teaches or suggests each and every limitation of the invention, when considered as a whole for what it fairly teaches to the ordinarily skilled artisan (e.g., see M.P.E.P. § 2143).

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Applicant submits that Freedman and Hartman, either individually or in combination, do not disclose or suggest all of the features of claims 25-33, when properly considered as a whole for what they fairly teach to the ordinarily skilled artisan.

For example, claim 25 recites, *inter alia*, that:

the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, comprises:

a management information database including at least one of a table of user names, a table of company names, a table of company - user link information, a table of company master - slave information, a table for setting system services, a table for setting printing services, an order table, a product table, and a table for specifying consignees (emphasis added).

As another example, claim 26 recites, *inter alia*, that:

at least two of the table of company names, the table of company - user link information, the table of company master - slave information, the table for setting system services, the table for setting printing services, are linked to each other by company identification (ID) data (emphasis added).

As a further example, claim 27 recites, *inter alia*, that:

at least two of the table of user names, the table of company - user link information, and the order table are linked to each other by user identification (ID) data (emphasis added).

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As another example, claim 28 recites, *inter alia*, that:

the table for setting printing services and the order table are linked to each other by service identification (ID) data (emphasis added).

As yet another example, claim 29 recites, *inter alia*, that:

the order table and the product table are linked to each other by product number data (emphasis added).

As a further example, claim 30 recites, *inter alia*, that:

the order table and the table for specifying consignees are linked to each other by consignee service identification (ID) data (emphasis added).

As a further example, claim 31 recites, *inter alia*, that:

the correspondence data which represents which of the plurality of second client computers is affiliated with the first client computer of the orderer, comprises:

master - slave relationships between a plurality of first client computers for orderers and said plurality of second client computers for the laboratory (emphasis added).

As a further example, claim 32 recites, *inter alia*, that:

wherein said master - slave relationships between a plurality of first client computers for orderers and said plurality of second client computers for the laboratory, comprise:

relationships between at least two of user name information, user identification information, company name information, company identification information, company - user link information, company master - slave information, system services information, printing services information, order tables, product tables, and consignee information (emphasis added).

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As a further example, claim 33 recites, *inter alia*, that:

wherein said determination unit determines, using the correspondence data, whether one of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

wherein, if said determination unit determines, using the correspondence data, that one of the plurality of second client computers is affiliated with the orderer, then said second transmitting unit transmits the image specifying data and the orderer specifying data to said one of the plurality of second client computers determined to be affiliated with the orderer (emphasis added).

Thus, the claimed invention determines, on the basis of correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data, as defined by claims 25-33. In this way, the claimed invention can transmit the image specifying data and the orderer specifying data to an affiliated second client computer out of a plurality of second client computers.

In other words, when there are a plurality of second client computers, the correspondence data can be transmitted accurately from the center server to an affiliated one of the plurality of second client computers, wherein an *affiliated* second client computer out of a plurality of second client computers is determined by the corresponding data transmitted from the first client computer (e.g., see specification at page 6, lines 2-13, page 15, lines 15-27, page 16, lines 10-25, page 17, lines 2-17, page 20, lines 1-16, page 25, lines 5-22; see also, e.g., Figures 5-13).

Applicant submits that the cited references, either individually or in combination, clearly do not disclose or suggest the features recited in claims 25-33.

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Thus, Applicant submits that claims 25-33 are in condition for immediate allowance and respectfully requests the same.

C. Claims 8-10:

As mentioned above, claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Freedman in view of Hartman and further in view of Greulich.

For somewhat similar reasons as those set forth above, Applicant respectfully submits that Greulich also does not disclose or suggest all of the features of independent claim 1, from which claims 8-10 depend, including:

a memory for storing correspondence data in advance, the correspondence data representing which of the plurality of second client computers is affiliated with the first client computer of the orderer; ...

a determination unit for determining, on the basis of the correspondence data, which of the plurality of second client computers is affiliated with the orderer specified by the orderer data received by said first receiving unit; and

a second transmitting unit for transmitting the image specifying data and the orderer specifying data, which has been received by said first receiving unit, to one of said plurality of second client computers that has been determined by said determination unit to be affiliated with the orderer specified by the orderer data received by said first receiving unit (emphasis added).

Therefore, Greulich does not make up for the deficiencies of Freedman and Hartman. Indeed, Greulich is not even relied upon for such features.

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Thus, Applicant respectfully submits that claims 8-10 also are patentable over Freedman, Hartman, and Greulich, either individually or in combination, by virtue of their dependency from independent claim 1, as well as for the additional features recited therein.

Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections and permit these claims to pass to allowance.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-14, 16, 17, and 19-33, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,


Date: August 11, 2005


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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Response under 37 C.F.R. § 1.116 to Examiner Calvin L. Hewitt II, Art Unit 3621, on August 11, 2005.


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